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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JEFFREY A. PATE,

11 Plaintiff,

No. CIV S-04-1201 FCD DAD P

12 vs.

13 SACRAMENTO COUNTY
14 SHERIFFS DEPUTIES,

15 Defendants.

ORDER

16 _____/

17 Plaintiff has requested the appointment of counsel. The United States Supreme
18 Court has ruled that district courts lack authority to require counsel to represent indigent
19 prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In
20 certain exceptional circumstances, the court may request the voluntary assistance of counsel
21 pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991);
22 Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court
23 does not find the required exceptional circumstances. Plaintiff's request for the appointment of
24 counsel will therefore be denied.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's November 1, 2005
2 document styled, "Request for Accommodation to Access Courts," and construed as a request for
3 the appointment of counsel is denied.

4 DATED: November 3, 2005.

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7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:4
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